

Firing in unison? The Scottish canons of 1636 and the English canons of 1640¹

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Charles I and William Laud were ecclesiastical reformers with an itch to impose a greater degree of outward conformity in matters of religious practice than had been attempted by their predecessors. Their campaigns, represented by the efforts to centralise decision-making in the church, taking it away from parish elites and locating it in the bishops, to shift the centre of gravity in worship from the aural to the visual, from the reading desk and pulpit to the altar, from the Word to the Sacrament, their determination to instil faith through outward obeisance and a restoration of awe to worship and the setting of worship, are all well known. The reconstruction of St Paul's Cathedral in London through a national fund-raising campaign is perhaps the most emblematic action of all. But it is often overlooked that almost as much was spent on the cathedral church of St Giles in Scotland, the seat of the new high-profile bishopric of Edinburgh, established in the wake of the king's visit to Scotland in 1633 and his anguish at the bleakness of Scottish church buildings and logo-centred worship.² There was a drive for ecclesiastical conformity and religious renewal in Scotland as in England; but was it, as has too readily been assumed, a drive towards both uniformity and anglicisation?

There can be little doubt that Charles's eventual goal was uniformity of the churches of England and Scotland. As the preface to the Scottish Prayer Book of 1637 put it, unity "in the Churches that are under the protection of one sovereign Prince" was one of the major aims of Caroline ecclesiastical policies. These ecclesiastical policies of uniformity in two kingdoms – England and Scotland – have often been seen by historians in terms of anglicisation of the Kirk. Many historians assume that "uniformity" meant the conformity

¹ I am grateful to John Morrill and John Coffey for their comments on this essay.

² I.G. Lindsay, *The Cathedrals of Scotland* (London, 1926), 96-7, 170; R. Radford and G. Donaldson, "The Post-Reformation Church at Whithorn", *Proceedings of the Society of Antiquaries of Scotland*, 85 (1892-1936), 117-33.

of the Church of Scotland to the Church of England.³ Against this trend, this essay will examine the precise nature of the Caroline ecclesiastical policies of British uniformity by analysing two sets of canons – the Scottish canons of 1636⁴ and the English canons of 1640⁵ – and taking a brief look of the Irish canons of 1634.⁶ Charles introduced all three within six years. These sets of canons give us a comprehensive view of the Caroline ecclesiastical policies in the 1630s. Not only were the canons concerned with discipline but they were also intended to regulate church government, doctrine, worship, ritual and the relationship between church and state. Charles or the Laudian bishops had put almost every single part of their ecclesiastical programme into the new canons. Therefore each set of canons contains very important texts through which historians can discern the aims and the nature of Charles's ecclesiastical policies in each kingdom. Furthermore, a comparative study of these three sets of canons should shed new light on the nature of Charles's British ecclesiastical policies.

The Scottish canons in comparative perspective

When the draft of the Scottish canons was made by the Scottish

³ C. Russell, *The Fall of the British Monarchies* (Oxford, 1991), ch. 2. B. Levack, *The Formation of the British State: England, Scotland, and the Union, 1603-1707* (Oxford, 1987), 127; K.M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603-1715* (London, 1992), 109.

⁴ *Canons and Constitutions Ecclesiasticall, Gathered and put in forme, for the Government of the Church of Scotland* (Aberdeen, 1636). The Scottish canons are reprinted in W. Laud, *The Works of the Most Reverend Father in God, William Laud, D.D.*, edd. W. Scott and J. Bliss, 7 vols. (Oxford, 1847-60), v, 583-606.

⁵ *Constitutions and Canons Ecclesiasticall, Treated by upon the Archbishops of Canterbury and York* (1640). Both sets of the English canons of 1604, and 1640 are in *Synodalia: a Collection of Articles of Religion, canons, and Proceedings of Convocation*, 2 vols., ed. E. Cardwell (Oxford, 1842), i, 246-329, 380-415. The English canons of 1640 are also in Laud, *Works*, v, 607-33; *The Stuart Constitution*, 2nd edn., ed. J.P. Kenyon (Cambridge, 1986), 149-53.

⁶ *Constitutions and Canons Ecclesiasticall, Treated by upon the Archbishops, and Bishops, and the Rest of Clergie of Ireland* (1635). For an excellent analysis of the Irish canons of 1634, see J.D. McCafferty, "John Bramhall and the reconstruction of the Church of Ireland" (unpublished Ph.D. dissertation, University of Cambridge, 1996), ch. 2.

bishops in early August 1634, Charles instructed Laud and Juxon to be sure that it should be as near as possible to the English canons of 1604.⁷ This draft seems to have been revised – with the help of Juxon – by Laud, who “conceived of the Church of Scotland’s coming nearer, both in the canons and the Liturgy, to the Church of England”.⁸ Thus the Scottish canons took a similar form to those of 1604, and the content of many canons of secondary importance was the same.

However, it would be too hasty to conclude that the Scottish canons of 1636 were merely anglicised ones. After being revised by Laud and Juxon the draft was brought back to Scotland to be rewritten by Archbishop Spottiswood, which indicates that the king was not obsessed with anglicisation. In April 1635 this copy was again sent up to the king for a royal warrant with a letter written by Archbishop Spottiswood and several bishops like John Maxwell, Patrick Lindsay, Guthrie, Bellenden, Sydserf and Wedderburn.⁹ It was this draft to which the king gave his warrant on 23 May 1635.

There were various features which made the Scottish canons distinctive. Out of the 118 Scottish canons arranged into 19 thematically divided chapters, 52 were entirely new, and only 33 out of the 141 English canons were accepted into the Scottish book (only 8 of the 33 survived whole unchanged). The rest of the canons were so greatly modified that they bore little trace of the English Book. Above all the Scottish canons did not have a preamble, something which may reflect the king’s neglect of Scotland and the hastiness of the book’s production. Another sign of haste was that in comparison to the canons in the English and Irish books, the Scottish canons were short and simple. Moreover, those canons which were most important from the king’s point of view were significantly different from the canons of 1604.

⁷ W. Prynne, *Hidden Works of Darkenes Brought to Publike Light, or A Necessary Introduction to the History of the Archbishop of Canterbury’s Triall* (1645), 152; Laud, *Works*, iii, 317; Heylyn, *Cyprianus Anglicus, or the History of the Life and Death of ... Lord Archbishop of Canterbury* (1668), 297-8.

⁸ Laud, *Works*, iii, 320-1.

⁹ Laud, *Works*, iii, 320; G.I.R. McMahon, “The Scottish Episcopate” (unpublished Ph.D. dissertation, University of Birmingham, 1972), 190.

The Irish canons of 1634 bear a greater resemblance to the English canons of 1604. Although the Irish canons did not follow a discernible thematic order like the English and Scottish canons, 93 out of the 100 Irish canons were adapted from the English book.¹⁰ However, even the Irish canons were not entirely anglicised. As John McCafferty has pointed out, “out of 33 English canons touched upon by the committee of convocation, 10 were omitted from the final version, 8 were modified in some way and 15 were reproduced verbatim”.¹¹

The English canons of 1640 were designed to overcome the inadequacy of the canons of 1604, and the baneful influence of the Scottish troubles upon England. They seem to have been drawn up extremely quickly in a situation in which Charles’s whole ecclesiastical programme in England was endangered by the influence of the Scottish Covenanters. As Gardiner put it, the canons were a “manifesto to a disloyal generation”.¹² Thus they lacked the comprehensiveness of the canons of 1604, and rather looked like a supplement to them. While the earlier book contained 141 canons, the English canons of 1640 numbered only 17, even though the latter had a long preamble and most of the canons contained detailed explanations.

These differences between the canons of 1604, 1636 and 1640 indicate that Charles did not intend simply to anglicise the Irish and Scottish churches, but they do not necessarily mean that Charles had no policy of British uniformity in mind. None of the Scottish canons contradict any of the English canons, which means that Caroline ecclesiastical policies were consistent, even though a different policy had been applied at a different stage in each country. The following analysis aims to provide a comparison between the canons of 1636 and the canons of 1640 in terms of the Caroline British reformation.

¹⁰ McCafferty, “John Bramhall”, 115-16.

¹¹ McCafferty, “John Bramhall”, 115.

¹² S. Gardiner, *History of England from the Accession of James I to the Outbreak of the Civil War*, 10 vols. (London, 1883-4), ix, 143.

The origins of the Scottish canons

Charles seems to have needed the canons less for uniformity of discipline than for the legal grounding of his ecclesiastical policies. In Scotland, Charles's ecclesiastical policies had begun with the misjudged attempt to enforce conformity to the Five Articles of Perth. One of the radical Covenanters, John Row, filled many pages of his *Historie of the Kirk of Scotland* with the tension between the royal implementation of the Five Articles through the bishops, and the reaction of the Presbyterian ministers in the early 1630s. Row suggested that the tension was created by Charles's enforcement of communion on Pasch and Yule, hinting that the king may have found the justification for his policies in acts like the Five Articles.¹³ The Five Articles, however, were not a sufficient basis for Charles's broad ecclesiastical reformation which aimed to effect a sea-change from preaching-centred worship to set-form and prayer-centred worship on the one hand, and from episcopacy mixed with presbyterianism to pure episcopacy on the other.¹⁴ Not only was the new Prayer Book being prepared, but a further reformation lay ahead. The altar policy, which was clearly alluded to in chapter 16 of the canons of 1636, and already in process in England, was sure to come in Scotland. Thus Charles needed support for his ecclesiastical policies. The canons were intended to prepare the way not only for uniformity of discipline but also for the king's whole ecclesiastical policy. In particular, the Scottish canons were designed to prepare the way for the Scottish Book of Common Prayer which was to be introduced a year later.

There were other less significant reasons for Charles's introduction of the book of canons in Scotland. When the Covenanters condemned the canons as innovations, Charles defended himself through Walter Balcanquhal:

Because there was no booke extant containing any rules of such government, so that neither the clergie nor laity had any certaine rule either of the one's power, or of the other's practice and obedience, [and] considering that Acts of their

¹³ J. Row, *History of the Kirk of Scotland, from the Year 1558 to 1637* (Edinburgh, 1842), 338-95.

¹⁴ *A Large Declaration*, 44.

Generall Assemblies were but written, and not printed, and so large and voluminous, ... few or none of [the presbyters] themselves could tell which of them were authenticall, [and] unsafely and uncertainely kept, that did not know where to addresse themselves for finding of them, ... that we had them reduced to such a paucitie of canons and those published, ... that not one in that our kingdome did either live under the obedience of the Acts of the Generall Assemblies or did know what they were, or where certainly to find them.¹⁵

Charles was not the only one who needed the canons for this reason. This was also the case in the reign of James. The need for canons to keep “ane uniformtie of discipline” had long been demanded in many assemblies even before 1574. An act of the General Assembly of 1574 supports Charles’s self-defence:

because it is generally complained be the brethren, that the Acts of the Assembly concerning universally *the whole Kirk*, as also sundry questions coming in dayly use in particular Assemblies, and resolved in the Generall Assemblies of before, are not come to their knowledge, which were most necessar to be known and notified to the whole brethren, that none should pretend ignorance therof.¹⁶

Thus the Assembly appointed a committee to collect acts of previous assemblies from which canons might be drawn up and extracted.¹⁷ There is no evidence that this committee produced anything. The task to “lay ane ordour for collecting the Acts of the Kirk, betwixt this and the nixt Assemblie”, was assigned to John Craig by the Assembly of 1582.¹⁸ Craig seems to have made a draft. His work was applauded by a committee composed of the commissioners of Edinburgh at the next Assembly. But the committee

¹⁵ *A Large Declaration*, 44-5.

¹⁶ *The Booke of the Universall Kirk of Scotland: Acts and Proceedings of the General Assemblies of the Kirk of Scotland* [henceforth BUK], 3 vols., ed. T. Thomson (Edinburgh, 1838-1845), i, 325. The italics (mine) seem to indicate that no complaint was made about uniformity of discipline.

¹⁷ BUK, i, 325.

¹⁸ BUK, ii, 566.

also found that further work was needed.¹⁹ Craig's work was never published, and although the General Assemblies of 1593 and of 1595 also considered this matter – even appointing a committee which included James Carmichael, minister of Haddington, who was active in this project – nothing came of it.²⁰

This old project of establishing canons was revived again in the Aberdeen General Assembly of 1616 by James's instruction.²¹ Given that the examination of candidates for the ministry varied from presbytery to presbytery, and sentences for the same offence varied from church court to church court, the need for canons was obvious.²² Acknowledging the necessity of canons for "ane uniforme ordour of Church Discipline throughout all the Kirks of this kingdome", the Assembly ordained that "a Booke of canons be made, published in wryte, drawn foorth of the bookis of former Assemblies" and appointed a committee to prepare the book of canons. Their work was to be presented to the commissioners appointed by the Assembly to examine it and to "supplicat to his Majestie, that the same may be ratified and approved by his royal authoritie, with privilege to put the same in print".²³ This committee again made no progress. Unlike the previous projects, this project met with strong opposition, not only because it was initiated by royal instruction, but also because of its relationship to the Five Articles which were hated by the Presbyterians.²⁴ A protestation made by a group of ministers on 27

¹⁹ BUK, ii, 624, 628.

²⁰ BUK, ii, 815, 856; D. Calderwood, *The History of the Kirk of Scotland*, 8 vols. (1842-9), viii, 260-2; D. Shaw, *General Assemblies of the Church of Scotland, 1560-1600: Their Origin and Development* (Edinburgh, 1964), 5-6.

²¹ BUK, iii, 1124; Calderwood, *History*, vii, 229. James seems to have discussed the old project of having canons with Archbishop John Spottiswood who visited London in May 1615. The archbishop, in a paper written by himself in 1615, described the project and its purpose: "Canonis and Constitutionis must be concludit and set forthe for keping bothc Clergie and Kirkis in ordoure". *Original Letters Relating to the Ecclesiastical Affairs of Scotland, Chiefly Written by, or Addressed to His Majesty King James The Six*, 2 vols., ed. B. Botfield (Edinburgh, 1851), ii, 446.

²² W.R. Foster, *The Church Before the Covenant* (Edinburgh, 1975), 127.

²³ BUK, iii, 1128; Calderwood, *History*, viii, 106.

²⁴ Calderwood called it "dangerous commissions". See D. Calderwood, *The True History of the Kirk of Scotland: from the Beginning of the Reformation unto the End of the Reigne of King James VI* (1678), 667.

June 1617, pleaded that the Kirk had liberty to “make such canons and Constitutions”, showing that James was behind this project.²⁵ The fact that at the initial stage, James had planned to insert the Five Articles “among the canons thereof, which then were in gathering” illustrates why the project of having canons was opposed, just as the canons of 1636 were opposed for being side by side with the Book of Common Prayer of 1637.²⁶ Although the committee was ordained to pursue this project at the Perth Assembly of 1618, James gave priority to the Five Articles in the belief that uniformity of ceremony was more important than uniformity of discipline.²⁷ The task of reforming the discipline of the church was left to Charles.

The English canons

Unlike the Church of Scotland, the Church of England in the 1630s possessed canons which had been ratified by James I in 1604. However, it was not until the early 1630s that these canons came to be systematically enforced throughout the country. The canons of 1604 had proved to be an inadequate basis for many of Charles’s ecclesiastical policies. Although some of the king’s policies were supported by the existing canons, others seemed to many to be arbitrary and innovative applications of the canons or the acts. As Julian Davies has argued, the fact that the canons of 1604 had never been systematically introduced made many unable to discriminate between canonical enforcement and non-canonical innovations.²⁸ Some canonical policies like bowing at the name of Jesus (canon 18) and the use of the cross at baptism (canon 30) seemed to be innovations even to the clergy. Some canons were so ambiguous that they had been used to support the arguments of both sides. The most troubling of the canons of 1604 from the Caroline point of view seems to have been canon 82, on which Charles’s opponents relied in their opposition to the altar policy with which Charles was most seriously

²⁵ Calderwood, *The True History*, 677.

²⁶ Calderwood, *The True History*, 698.

²⁷ Calderwood, *History*, viii, 337-8; James might have been more “glad of the consent of this Assembly to the Five Articles than of all the gold of India”. *BUK*, iii, 1147.

²⁸ Davies, *The Caroline Captivity*, 62-5.

concerned in England. Canon 82 left no room for Charles's interpretation that the communion table could be turned into an altar. At the holy communion, it was to be moved to any convenient place within the church or chancel, which meant that it could not be permanently railed in, and that each minister might have liberty over the placement of the table. Thus the heart of the Caroline policies – the unity of the communion ceremony through kneeling before a communion table moved to the east end of the church and separated by a rail – could not be supported by this canon.²⁹

It is not surprising that a debate on the placement of the table arose in 1633 when some parishioners of St Gregory's, London accused the dean and chapter of St Paul's, who had jurisdictional power over St Gregory's, of removing their right to place the table by moving it to the east end, and railing it in. This case was transferred to the council, and finally decided by the king's interpretation of the canon: "such liberty is not to be understood, as if it were ever left to the discretion of the parish, much less to the particular fancy of any humorous person, but to the Judgement of the ordinary, to whose place and function it does belong".³⁰ However, in reality Charles does not seem to have meant that each bishop had an absolute right to decide where the communion table should be placed. He probably thought that his bishops would follow his interpretation of canon 82. The imprisonment of Bishop Williams, who was against the king's altar policy, was a clear indication that Charles had no intention of giving to the bishops the power to determine the place where the table should be.³¹ However, he seems to have felt that his interpretation of the 1604 canon on the position of the table was open to the charge of arbitrariness, and he therefore needed a clear statement in the new canons on the bishops' authority *vis-a-vis* the position of the table.

For Charles, there was a further reason for creating the 1640 canons. Since the Glasgow Assembly of late 1638, Charles's policies as well as English politics were under a strong Scottish influence. The

²⁹ Davies, *The Caroline Captivity*, 206.

³⁰ Laud, *Works*, iv, 225; Rushworth, *Historical Collections*, ii, 207; Davies, *The Caroline Captivity*, 210-21.

³¹ H.T. Blethen, "Bishop Williams, the Altar Controversy, and the Royal Supremacy, 1627-41", *Welsh History Review*, 9 (1978), 142-54.

Assembly condemned the book of canons of 1636 as well as the Book of Common Prayer of 1637 and abjured episcopacy and the Five Articles of Perth in Scotland. All the Jacobean and Caroline ecclesiastical reforms had come to nothing. Furthermore, Charles had to face the armed resistance of his subjects to his sacred royal authority. The king's policies since the Assembly were dominated by his resentment of the Covenanters and his fear of their influence on England. In fact, there were considerable linkages between the Scots and the English Puritans in this period.³² Partly to justify their reforms at the Glasgow Assembly, and partly to nullify the king's war campaign, the Covenanters published a few pamphlets which aimed primarily at the English. Above all, this Scottish propaganda was what worried Charles most.³³ Charles needed the new canons to make permanent in England the ecclesiastical changes he had made in the 1630s, which was then in a crisis.³⁴ Just as the Short Parliament was summoned to meet the threat posed by the Scottish troubles, the convocation had to sit to draw up the canons which were to warn English subjects not to follow the Scottish rebels. As Kevin Sharpe has argued, "rather than doing the king's business, the Short Parliament and Convocation had played into the hands of the Scots".³⁵

Improving ceremonies

As expressed in the preamble to the canons of 1640, the main project of the king was to *restore* and *improve* the rites and ceremonies "in disuse", and to ban "other foreign and unfitting usages" of them for "uniformity and peace, in matters especially that concern the holy worship of God" at the national level.³⁶ The rites and ceremonies which the king wanted to *restore* were those which "were approved,

³² For the Anglo-Scottish linkages before the Long Parliament, see P. Donald, *An Uncounseled King: Charles I and the Scottish troubles, 1637-41* (Cambridge, 1990), ch. 5; P.H. Donald, "New Light on the Anglo-Scottish Contacts of 1640", *Historical Research*, 62 (1989), 221-9; C. Russell, *The Fall of the British Monarchies, 1637-1642* (Oxford, 1991), ch. 2.

³³ *A Large Declaration*, 421.

³⁴ Davies, *The Caroline Captivity*, 252.

³⁵ K. Sharpe, *The Personal Rule of Charles I* (New Haven & London, 1992), 884.

³⁶ *Synodalia*, i, 380-9.

and used by those learned and godly divines ... at the time of reformation under king Edward the Sixth", and who "suffered martyrdom in queen Mary's days ... again taken up by this whole church under queen Elizabeth, and so duly and ordinarily practised for a great part of her reign".³⁷ The only rite the king wanted to restore in the canons was ministers' "doing reverence and obeisance, both at their coming in and going out" of the church. However "in the practice or omission of this rite ... the rule of charity prescribed by the apostle may be observed", for it was not an enjoined rite, but a recommended one. Although the rites and ceremonies – except the recommended one, which was to be *restored* – were not mentioned again in canon 7, they were endorsed by inclusion of the Injunction of 1559. Thus the canon referred mainly to the rites and ceremonies that the king wanted to *improve*, but not to the ones he wanted to *restore*.

Here again Charles's altar policy was clearly expressed. Although during holy communion, the liberty of locating the table in each church was left to the ordinary, outside holy communion the parishes were enjoined to "conform themselves in this particular to the example of the cathedral or mother churches". It also seems that the ordinaries were not allowed to change the position of the table in their cathedrals, as the canon pointed out that

it was ordered by the injunctions and advertisements of queen Elizabeth of blessed memory that the holy tables should stand in the place where the altars stood, and accordingly have continued ... in most cathedrals.³⁸

As to the liberty of the ordinary to decide the position of the table during the communion, this is more likely to have been a result of the calculation that the king could control the ordinaries easily, than "a triumph for the rights of the ordinary", as Julian Davies has claimed.³⁹ Even though it was moderately expressed, the railing of the table was

³⁷ *Synodalia*, i, 382-3.

³⁸ *Synodalia*, i, 404-5.

³⁹ There seems to be a tension between Julian Davies's claim that Laud triumphed over the king in securing the rights of the ordinary and his claim that the archbishop's influence on the High Commission was being eclipsed. See Davies, *The Caroline Captivity*, 260-1.

mandatory, and communicants were to “draw near and approach to the holy table, there to receive the divine mysteries”.⁴⁰ Finally all preachers were asked to preach twice a year in public sermons that “these rites and ceremonies now established in the church of England, are lawful and commendable”, and should be conformed to (canon 8).

The rites and ceremonies in the Scottish canons of 1636 seem to have gone further than the English canons both of 1604 and 1640. Kneeling at the Eucharist was not explicitly mentioned either in the English canons of 1604 or the English canons of 1640. The English communicants were to “draw near and approach to the holy table there to receive the divine mysteries” “with all humble reverence” (canon 7).⁴¹ In contrast, kneeling was clearly enjoined in the Scottish canons. The Scottish communicants were required to receive the elements “with the bowing of the knee” (ch. 6: 6). Thus, the most controversial of the articles of Perth was canonised.⁴²

The position of the communion table was also more clearly expressed in the Scottish canons than in either set of the English canons: “a comelie and decent Table, for celebrating the holie COMMUNION, shall bee placed at the upper ende of the Chancell, or Church” (ch. 7: 3). As in the English canons of 1640, this obviously meant that the communion table should be seen as an altar. This was certainly an innovation in Scotland, as the reformed Kirk had never taken this view before.⁴³

One of the main aims of the Scottish canons of 1636 was to prepare the way for the Book of Common Prayer which was to be introduced a year later. A canon under the chapter “Of the Church of Scotland” clearly stated that “whosoever shal hereafter affirme that the forme of the worship contained in the book of common prayer,

⁴⁰ My reading of the above canon is different from J. Davies’s and K. Sharpe’s readings that coming up to receive communion was not enjoined. If the table was to be railed, and communicants were to approach the table, it is clear that receiving communion at the rail was inevitable. See Sharpe, *The Personal Rule of Charles I*, 880; Davies, *The Caroline Captivity*, 261.

⁴¹ See the English canon 7 of the 1640 book.

⁴² Another article of the Five Articles of Perth – keeping “the Feast of PAS[C]H” – was also canonised (ch. 6: 3).

⁴³ The Covenanters also criticised the canon concerning “a Font” for Baptism. Laud, *Works*, iii, 327.

and administration of the sacraments ... do contain in them anything repugnant to the Scriptures ... let him be excommunicated" (ch. 1: 3). Even before it was made, therefore, the Scottish Book of Common Prayer was being treated as the official Scottish liturgy.

Charles, like Laud, seems to have found the best form of worship in the Book of Common Prayer. Charles's first concern seems to have been to establish a "Divine Service" in Scotland which promoted "uniformity", and "decency and order".⁴⁴ For Charles, Scottish worship exhibited neither uniformity nor decency and order, and the Scottish liturgy – the Book of Common Order – which had been officially accepted in the Kirk since the Reformation was insufficient to achieve the best form of worship.⁴⁵ The Book of Common Prayer was the only means to this end. Charles's understanding of "divine worship" was clearly expressed in chapter 9 of the Scottish canons ("Of Meeting, to Divine Services"). Not only should there be "decencie and order" (ch. 9: 1), but also "one forme of the worship of God" (ch. 9: 6). "The whole prayers" in all meetings for worship should be made according to the Book of Common Prayer (ch. 9: 6), and "prayer *Ex tempore*, or use of anie other forme in the Liturgie, or Service than is prescribed" was prohibited under the pain of deprivation of benefice (ch. 9: 7).

It seems that the king may also have intended to get rid of the remaining Presbyterian practices by the Scottish canons of 1636. Although the distinctive Scottish term *presbyter* for minister was used throughout the Scottish canons, many other Scottish ceremonies were either prohibited or not mentioned. The most obvious change seems to have been the abolition of the laying on of hands by the laity at ordinations (ch. 6: 1). The office of a lay ruling elder was one of the features which distinguished the Kirk from other churches. The elders of the Kirk had always taken a part in the ordination ceremonies by

⁴⁴ The term "uniformity" is here used of the national level rather than of the British one.

⁴⁵ G. Donaldson, *The Making of the Scottish Prayer Book of 1637* (Edinburgh, 1954), p.13. The question of whether the Kirk had its own liturgy was well discussed in this work. See especially eh. 4.

laying their hands on the candidate.⁴⁶ Both by prohibiting the laying on of hands by the laity and by omitting the term “ruling elder”, the Scottish canons clearly implied the abolition of the office.

Although the rites and ceremonies in the English and the Scottish canons were not very different from each other, there was one surprising difference between them; kneeling at the eucharist, which was enjoined in the Irish and the Scottish canons, was not enforced in the English canons. By contrast, the railing of the communion table, which was not mentioned in the Irish and the Scottish canons, was enjoined in the English canons. Once again, we can see that Charles’s ecclesiastical policy in Scotland was not one of narrow anglicisation.

However, this is not to deny that the king hoped for British uniformity in his most important area of ecclesiastical policy – that of rites and ceremonies. The lack of an explicit mention of kneeling in the English canons only reflects the king’s fear of open resistance by the English Puritans, imitating the Scottish Covenanters. The king seems to have sought to achieve kneeling by adding to the English canons the railing of the table, and by using a less offensive expression (“with all humble reverence”).

Establishing royal supremacy

It is likely that the establishment of royal supremacy in the church was one of the king’s ecclesiastical policies rather than just a means to support them.⁴⁷ Although the Scottish canon concerning the royal supremacy was copied from that of the canons of 1604 without alteration, for the Scots it went further. According to the canon (ch. 1.2), the king had “the same Authoritie in Causes Ecclesiasticall, that the godlie kings had amongst the Jewes, and Christian Emperours, in the Primitive Church”. Every candidate to the ministry had to take the oath of supremacy and the oath of allegiance to the canons (ch. 2). In

⁴⁶ *The Second Book of Discipline*, ed. by J. Kirk (Edinburgh, 1980), 9, 73. According to the Second Book of Discipline, the eldership was “ane function spirituall, as is the minister”, the ceremony of ordinations included “fasting and ernest prayer and impositioun of handis of the eldershippe”.

⁴⁷ Davies, *The Caroline Captivity*, 206.

fact, these, for the Scots, were novel, which made John Row declare them “unlawfull”.⁴⁸

Charles’s understanding of the royal supremacy in ecclesiastical causes seems to have gone beyond simply being the head of a church. Charles had never believed that there was any constitutional limit to his supreme authority. The most striking thing was that Charles imposed the canons upon the Kirk without the consent of any representative body, just as he imposed the Book of Common Prayer a year later. Given that the Irish canons were introduced through the convocation in Ireland, it is unlikely that the method of introduction of the canons and the liturgy in Scotland was due to his ignorance of local laws and customs. Rather it seems to have been a result of his determination to demonstrate the royal supremacy.

Many Scottish bishops involved in the making of the Scottish canons of 1636 seem to have wanted the draft to be proposed to the synods, if not the General Assembly, before its printing. When the Scottish bishops drew up the canons, they entitled them *Canons agreed on to be proponed to the several Synods of the Kirk of Scotland*. However Laud altered the title during the printing process, something for which he was condemned by the Scottish Commissioners in 1641. They alleged that Laud would “not have canons from the authority of Synods, but from the power of Prelates, or from the King’s prerogative”.⁴⁹ Laud’s rationale for changing the title of the canons was extremely weak: he said that he changed the title, not because the canons would be “proponed” to the synods, but because they “were to be printed”.⁵⁰ In reality, however, he was not questioning the linguistic ability of the Scottish bishops but condemning them for their ignorance of the king’s obsession with his supremacy over the church

The canons were too short-lived for us to determine the accuracy of Bishop Juxon’s prediction that “when men’s eares have beene used awhile to the sound of them, they will not startle so much at it; and, perchance, find them as usefull for preservation of the Church”.

⁴⁸ *Synodalia*, i, 166; Row, *History*, 392.

⁴⁹ *The Charge of the Scottish Commissioners against Canterbury*, 5.

⁵⁰ Laud, *Works*, iii, 322-3.

However, his other prediction that the book of canons “at first will make more noise then all the Cannons in Edinburgh Castle” was not far wrong.⁵¹ According to Heylyn, opposition was led mainly by the “presbyters”.⁵² Given that many chapters of the canons limited the ministers’ rights, this was hardly surprising. But the main reason for their opposition to the canons lay less in their content than in the high-handed manner of their introduction.⁵³ Even Heylyn questioned the king’s way of operating: “Had his Majesty imposed these orders on them by the name of Injunctions, ... he might perhaps have justified himself by that Supremacy which had been vested in him by the Laws of that kingdom”.⁵⁴

By early 1640, the royal supremacy was challenged and seriously damaged. This may well explain why the regal power in the canons of 1640 had to be explained in detail with a reference to the Scottish resistance, as if in prediction of another armed rising two years later:

For any person to set up ... under any pretence whatsoever, any independent coactive power (against the king), ... is treasonable against God as well as against the king. For subjects to bear arms against their kings, offensive or defensive, upon any pretence whatsoever, is at least to resist the powers which are ordained of God.⁵⁵

As the debate between the Covenanters and the king at Berwick during the First Bishops’ War shows us, Charles had to face the denial of his right to call a General Assembly, which meant that the king was not the supreme head of the church any more. When the king asked whether he had a right to call and dissolve the General Assembly and whether the General Assembly was independent of the Parliament and the king, both the king’s and the Parliament’s right

⁵¹ *Letters and Journals*, i, 438-9.

⁵² Heylyn, *Cyprianus Anglicus*, 228.

⁵³ *The Charge of the Scottish Commissioners against Canterbury*, 5; Heylyn, *Cyprianus Anglicus*, 301; Clarendon, *The History of the Rebellion and Civil war in England*, 6 vols. (Oxford, 1888), i, 138.

⁵⁴ Heylyn, *Cyprianus Anglicus*, 301.

⁵⁵ *Synodalia*, i, 390.

were denied by the Covenanters.⁵⁶ Furthermore, just as for the Melvillians the king was “God’s sillie vassal”, so for the Covenanters the king was just a subject like any other who could be excommunicated by the church. At the same debate, the Earl of Rothes argued that the Kirk should have power to excommunicate the king.⁵⁷ Thus it was argued by the Covenanters that the king was not the supreme head of the church, but a subject. This was totally unacceptable to Charles who believed in “the most high and sacred order of kings” by the divine right, and their accountability only to God.⁵⁸ Thus the same canon prescribed that “her government belongs in chief unto kings,” and that “the power to call and dissolve councils, both national and provincial, is the right of all Christian kings within their own realms and territories”. The fact that this phrase can be found nowhere else than in the canon on the regal power may well suggest that this canon was drawn in the Scottish context. It was to be explained on regular occasions.

Charles seems to have regarded the Scriptures, rather than the Act of Supremacy, as the ultimate basis of his royal supremacy. If the royal supremacy in the canons of 1604 was claimed by reference to laws and statutes, in the canons of 1640 it was by the Scriptures as well as by laws, ordinances and constitutions. This might indicate that Charles had a different understanding of the royal supremacy over the church than his ancestors. His perception of royal supremacy was characterised in the second canon. It was enjoined that “all manner of persons within the church of England” should keep the king’s inauguration day by coming to their parish church to pray for the king, which could mean to some the apotheosis of kingship.⁵⁹

Had the king, in Scotland, not met any opposition to his introduction of the canons and the new liturgy, not encountered armed resistance to his supreme authority, and had he not been accused of having introduced the Scottish innovations in a arbitrary way, he

⁵⁶ Russell, *Fall of the British Monarchies*, 65.

⁵⁷ Russell, *Fall of the British Monarchies*, 66.

⁵⁸ *Synodalia*, i, 389-90. In the debate of Berwick, Charles quoted King David’s confession: “against thee only have I sinned”. See Russell, *Fall of the British Monarchies*, 66.

⁵⁹ *Synodalia*, i, 392-3; Davies, *The Caroline Captivity*, 162.

might perhaps have imposed the canons of 1640 without a convocation. Given the reference to the Scottish rebellion in the first canon, concerning the regal power, this seems like a fair conjecture.

However, the introduction of the English canons of 1640 through a convocation was not immune from the same charge of arbitrary rule. The Short Parliament was dissolved on 5 May 1640, but the Convocation of Clergy continued to sit by royal command. Therefore, the legality of the Convocation was doubted, and for many contemporaries who believed that a convocation was dependent on Parliament, its continuance was a special offence.⁶⁰ The authors of the Grand Remonstrance complained that the canons were “introduced without warrant of law”.⁶¹ The canons of 1640 were introduced through this convocation.

Abolishing Presbyterianism

Another major goal of the king in the Scottish canons was to achieve the full operation of episcopacy by reforming church government and by abolishing the remaining presbyterian practices in worship and discipline. In the early 1630s, if not enthusiastically co-operative, episcopacy and presbyterianism in the Kirk had to work together. Even though there had not been a General Assembly for eighteen years, kirk sessions and the presbyteries were still working. Their relationship seems best understood as *reluctant toleration* rather than co-operation.⁶² As Gordon Donaldson has argued, the initiation of this co-operation had arisen “from practical factors”, and “those who worked it out may not have had the deliberate intention of combining the merits of the two systems”.⁶³ However this reluctant toleration had

⁶⁰ According to Gardiner, Archbishop Laud applied to the king to dismiss the Convocation, as the Short Parliament was dissolved. But it was the king’s decision that the Convocation was to continue sitting. See Gardiner, *History of England*, ix. 142, 147.

⁶¹ *The Constitutional Documents of the Puritan Revolution, 1625-1660*. 3rd edn., ed. S.R. Gardiner (Oxford, 1906), 218.

⁶² For two different opinions on the relation between episcopacy and presbytery, see Foster, *Church*; G. Mullan, *Episcopacy in Scotland: the History of an Idea, 1560-1638* (Edinburgh, 1986).

⁶³ G. Donaldson, *The Scottish Reformation* (Cambridge, 1960), 225.

to cease when one party found themselves in a better position than the other.

No doubt Charles and Laud, who believed in *iure divino* episcopacy, disliked this system as much as the Melvillians did. The canons of 1636 (ch. 1) referred to “the government of the church under his majesty by archbishops, bishops”, but the symbols of presbyterianism – ruling elder, General Assembly, presbytery and kirk session – were nowhere mentioned.⁶⁴ While diocesan synods and national synods which were to be held by the bishops and the king were mentioned (ch. 8: 1), “all conventicles” of churchmen – which may have meant presbyteries – were strictly prohibited (ch. 8: 2). This clear intention of abolishing presbyterianism can be found in other canons concerning the ministry. While ministers were to read the Book of Common Prayer before the sermon, no minister was allowed to preach in a church other than his own parish without a licence from his bishop. This has been seen as “the most sinister of the canons” and “the first sign of licensing of preaching in Scotland” by David Stevenson.⁶⁵

Silence on the jurisdiction of presbyteries and kirk sessions raised serious doubts about their existence. Although by 1610 many important jurisdictions of presbyteries like excommunication and ordination were transferred to diocesan bishops, they had used their power with advice from presbyteries.⁶⁶ The kirk sessions under the joint direction of the bishops and presbyteries operated more widely and effectively than ever before.⁶⁷ Not only were the disciplines of bishop-in-presbytery to go, but the remaining functions of presbytery, such as selecting school masters, also went to bishops in the canons of 1636. The most distinct change in discipline was that a formidable power was to pass into the hands of bishops. Not only did final authority over ordination, suspension and deprivation of ministers go

⁶⁴ Row, *History*, 394.

⁶⁵ D. Stevenson, *The Scottish Revolution 1637-1644: the Triumph of the Covenanters* (Newton Abbot, 1973), 46.

⁶⁶ Before the National Covenant, ordination of a minister by a bishop and presbytery at the parish church was common. See Foster, *The Church before the Covenants*, 52-3.

⁶⁷ Donaldson, *The Scottish Reformation*, 225.

to bishops (ch. 2 & 18), but arbitrary punishments upon offences which were not expressly set down in the canons also went to the decision of ordinaries (ch. 20). Finally, a whole chapter (ch. 14) was devoted to prohibiting the public fast on Sunday which had replaced the festival in post-Reformation Scotland.⁶⁸

Contrary to Charles's plan to establish pure episcopacy, the canons of 1636 – always accompanied by the Book of Common Prayer both in the royalist and the Covenanters' propaganda – brought fatal consequences for the bishops in Scotland as well as England. The fate of episcopacy was not yet decided in the National Covenant. Rather it provided the leaders of the resistance movement with an opportunity to decide what they liked. At the Glasgow Assembly in late 1638, Charles and the bishops lost their voices in both the Kirk and the Parliament. Just as the bishops protested against the decision of the Assembly in vain, the king's Large Declaration had a weak voice. The king's plan to restore episcopacy and the royal supremacy by force of arms achieved nothing. Charles's fear that he could lose episcopacy in England as well, was highlighted by the Covenanters' massive propaganda effort in England. In particular, an act of the Scottish Parliament that the bishops could not be one of the three estates in Parliament, terrified the English bishops.⁶⁹ The Short Parliament was summoned to deal with the king's dual aims: first, the restoration of Scottish episcopacy and second, the protection of English episcopacy.

Thus the canons of 1640 were a reply to Scottish propaganda, as the Covenanters understood and as Laud admitted.⁷⁰ Charles's commitment to episcopacy was on display in the canons of 1640. Although the canons of 1640, unlike those of 1604, do not contain a specific canon on episcopacy, episcopal church government was mentioned in many canons. However the real aim of these canons was the protection of episcopacy rather than its canonical definition. This

⁶⁸ McMahon, "The Scottish Episcopate", 242; Heylyn, *Cyprianus Anglicus*, 300.

⁶⁹ For the debate on the bishops' right as one of the three estates in this period and its influence on England, see M. Mendle, *Dangerous Positions: Mixed Government, the Estates of the Realm, and the Making of the Answer to the XIX Propositions* (Alabama, 1985), ch. 6.

⁷⁰ Laud, *Works*, iii, 365; Gardiner, *History of England*, ix, 143.

aim can be easily seen in canon 6 which enjoined an oath for the “preventing of all innovations in doctrine and government” by “all archbishops, and bishops, and all other priests, and deacons, in places exempt or not exempt”:⁷¹

I A. B. do swear, that I do approve the doctrine and discipline, or government established in the church of England, as containing all things necessary to salvation: and that I will not endeavour by myself or any other, directly or indirectly to bring in any popish doctrine, contrary to that which is established: nor will I ever give my consent to alter the government of this church by archbishops, bishops, and deans, and archdeacons, etc. as it stands now established, and as by right it ought to stand, nor yet ever to subject it to the usurpations and superstitions of the see of rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly, and truely, upon this faith of a Christian. So help me God in Jesus Christ.

This oath was “Charles’s reply to the Scottish Covenant”, as the writer of the city of Coventry’s annals observed.⁷² Benjamin Warfield also referred to the oath as “a sort of counterblast to the National Covenant”.⁷³ Although this canon was drawn up by the bishops, perhaps mainly by the Archbishop of Canterbury in the Upper House of Convocation, it was the king himself who gave to the bishops an order to draw up the oath.⁷⁴ As Gardiner has argued, this oath may have been designed to unite the English church and people.⁷⁵ It did not, however, serve its intended purpose. If the Scottish National Covenant was the voice of the Scottish church and people, the oath was neither the voice of English people, nor the voice of the English

⁷¹ *Synodalia*, i, 402-3.

⁷² Davies, *The Caroline Captivity*, 275.

⁷³ B.B. Warfield, *The Westminster Assembly and Its Work* (Edmonton, 1991), 7.

⁷⁴ Laud, *Works*, iv, 153-4; Davies, *The Caroline Captivity*, 275.

⁷⁵ Gardiner, *History of England*, viii, 114.

church. Instead of producing the unity that the Scottish National Covenant achieved, the *Et Cetera* Oath caused nation-wide protests, leading to the destruction of the Caroline church in England.⁷⁶ Canon 8 also enjoined all the preachers to proclaim the lawfulness of the “government of the church as it is now established under the king’s majesty”, and submission to it. For the Scottish Covenanters, the aims of these canons were too obvious to miss. In 1641 the Scottish Commissioners in London argued that the English canons of 1640 were deliberately directed against their reformation.⁷⁷

Conclusion

What the Scottish canons of 1636 and the English canons of 1640 demonstrate is that the Caroline ecclesiastical policy of the 1630s in the two kingdoms – and certainly in the three kingdoms – was not one of anglicisation. The British uniformity intended in the two sets of canons involved far more than this. However, the canonical policy does reveal the consistency and coherence in Caroline ecclesiastical policy in the two kingdoms. Even though each set of canons placed emphasis on different points, this does not mean that there was a tension between them. They pursued the same rites and ceremonies, the same discipline, the same worship and the same government. The king and Laud had adopted a flexible method for solving different problems and promoting a definite programme. If the Scottish canons aimed to provide a legal basis for the reformation of worship and church government, the first stage of the programme, the English canons were concerned with the fulfilment of the altar policy, perhaps the final stage.

From Charles’s point of view all three churches had fallen short of the glory of God. The king wished to bring them into uniformity by introducing the rites and ceremonies which he believed to be essential to decent, beautiful and orderly worship. Had the Scottish practice of religion in the 1630s been the same as that of the English church, the king would still have promoted ecclesiastical reform. His desire was not to see the churches of Ireland and Scotland conform to the Church

⁷⁶ For the protestations against the *Et Cetera* Oath, see Davies, *The Caroline Captivity*, 275-87.

⁷⁷ *The Charge of the Scottish Commissioners against Canterbury*, 17-18.

of England, but to see all three churches remodeled according to his own ecclesiastical vision.

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